

Rev. #1
#1500

Sponsors:

**Council
President
Blunt**

**Council
Members
Ortega
Bolden
K. Kelley
G. Kelly
Potter**

SUBSTITUTE NO. 1 TO ORDINANCE NO. 01-003.

**AN ORDINANCE TO AMEND CHAPTER 34 OF THE
CITY CODE REGARDING CARBON MONOXIDE
ALARMS.**

WHEREAS, the City Council has enacted the provisions of Chapter 34 of the City Code, regarding the Housing Code and the specific provisions regarding Minimum Standards and Requirements in the Articles and Sections of that Chapter; and

WHEREAS, carbon monoxide poisoning constitutes a serious hazard in the City of Wilmington; and

WHEREAS, during the past three years, two people have died and several people have become seriously ill from carbon monoxide poisoning within the City of Wilmington; and

WHEREAS, one of the most effective safeguards against carbon monoxide poisoning is installing a carbon monoxide alarm in your home; and

WHEREAS, the City Council deems it necessary and proper to amend Division 1 of Article III.

THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

Section 1. Chapter 34 of the City Code of 1993 is hereby amended by adding to Article III thereof a new Section 34-232.1 to read as follows:

Sec. 34-232.1 Carbon Monoxide alarm devices; requirements.

Every building of residential or mixed occupancy, in which there are one or more residential units, shall be equipped with approved carbon monoxide alarms in accordance with this chapter.

(1) *Location.* Not less than one approved carbon monoxide alarm shall be installed in each residential unit. The alarm shall be installed within

40 feet of each room used for sleeping purposes. The carbon monoxide alarm should be placed so it will be easily audible in all sleeping rooms. The carbon monoxide alarm shall be installed according to the manufacturer's instructions.

(a) In every hotel and motel, one approved carbon monoxide alarm shall be installed for every 10,000 square feet of floor area, or fraction thereof, (1) on every floor on which a fossil fuel-burning boiler or furnace is located, and (2) on every floor on which sleeping rooms are heated by any type of warm air heating plant that burns fossil fuel. The floor area shall be computed separately for each floor. The carbon monoxide alarm should be placed so it will be easily audible to all sleeping rooms. The carbon monoxide detector shall be installed according to the manufacturer's specifications.

(2) *Exemptions.* The following residential units and hotels/motels shall not be required to have carbon monoxide alarms:

(a) A residential unit in a building or hotel/motel that does not rely on combustion of fossil fuel for heat, ventilation or hot water, and is not sufficiently close to any ventilation source of carbon monoxide, as determined by the Commissioner of Licenses and

Inspections or his, or her, designee, to receive carbon monoxide from that source.

(b) A residential unit or hotel/motel that (1) is heated by steam, hot water or electric heat, and (2) is not connected by ductwork or ventilation shafts to any room containing a fossil fuel-burning boiler or heater, and (3) is not sufficiently close to any ventilated source of carbon monoxide, as determined by the Commissioner of Licenses and Inspections or his designee, to receive carbon monoxide from that source.

(3) *Dwelling units heated by space heaters.* Each dwelling unit or hotel/motel employing space heating equipment that is located within the dwelling unit or hotel/motel room and that burns fossil fuel shall be equipped with at least one carbon monoxide alarm. The carbon monoxide alarm should be installed according to the manufacturer's specifications.

(4) *Standards.* Every approved carbon monoxide alarm shall comply with all applicable federal and state regulations, and shall bear the label of a nationally recognized standard testing laboratory, and shall meet the standard of UL 2034 or its equivalent. The Commissioner of Licenses and Inspections may issue rules and regulations not inconsistent with the provisions of this chapter, for the implementation and administration of the provisions of this chapter relating to carbon monoxide alarms.

(5) *Battery removal violations - - Penalty.* It shall be unlawful for any person to remove batteries from a carbon monoxide alarm required under this chapter, or in any way to make inoperable a carbon monoxide alarm required under this chapter, except that this provision shall not apply to any building owner or manager or his agent in the normal procedure of replacing batteries. Any person who violates this section shall be punished by a fine of not less than \$300 per violation.

(6) *Owner's and tenant's responsibilities.* The owner of a structure shall install the carbon monoxide alarm(s) and supply required carbon monoxide testing and maintenance information to at least one adult tenant in each dwelling unit. The tenant shall test, provide general maintenance, and replace required batteries for carbon monoxide alarms located in the tenant's dwelling unit.

(7) *Building heated by central fossil fuel powered heating unit.* The owner or owner's agent of every residential building with more than one unit within the building that is heated by one main central fossil fuel powered heating unit, and that is not exempted under this section, shall install one approved carbon monoxide alarm on the floor containing the central heating unit. The owner shall test, provide general maintenance, and replace required batteries for carbon monoxide alarms located in this

area. The carbon monoxide alarm shall be installed according to the manufacturer's instructions.

(8) *Fossil fuel defined.* Whenever used in this chapter, the term "fossil fuel" shall include coal, natural gas, kerosene, oil, propane and wood.

(9) *Penalties.* Any person who violates any provision of this Section, for which a separate penalty is not provided, shall be subject to a fine of not less than \$100.00 (One Hundred Dollars) and not more than \$1,000.00 (One Thousand Dollars) per violation. Every day that a violation is allowed to continue shall constitute a separate and distinct offense.

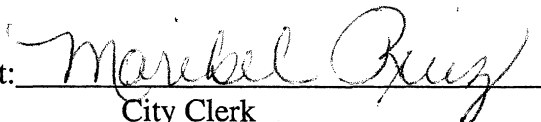
SECTION 2. This Ordinance shall become effective following passage by the City Council and approval by the Mayor, on October 15, 2002.

First Reading January 18, 2001
Second Reading January 18, 2001
Third Reading **March 15, 2001**

Passed by City Council, **March 15, 2001**



President of City Council

Attest: 

City Clerk

Approved as to form this 14th
day of March, 2001

Regina Gray Cody
Assistant City Solicitor

Approved this 16th day of
MARCH, 2001

James M. Baker
Mayor

SYNOPSIS: This Substitute Ordinance amends the provisions of Chapter 34 to require carbon monoxide alarms to be placed in residential units and hotels/motels heated by central fossil fuel units.

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